

CHAPTER NO. 298

HOUSE BILL NO. 1067

By Representative Mumpower

Substituted for: Senate Bill No. 1225

By Senators Miller, Person

AN ACT to amend Tennessee Code Annotated, Title 57.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 57-3-101(a)(1)(A), is amended by deleting the subdivision in its entirety and substituting instead the following language:

(A) "Alcoholic beverage" or "beverage" means and includes alcohol, spirits, liquor, wine and every liquid containing alcohol, spirits, wine and capable of being consumed by a human being, other than patent medicine or beer as defined in § 57-5-101(b). Notwithstanding any provision to the contrary in this title except for beer as defined in § 57-5-101(b), "alcoholic beverage" or "beverage" also includes any liquid product containing distilled alcohol capable of being consumed by a human being, manufactured or made with distilled alcohol irrespective of alcohol content. Liquid products intended for beverage purposes containing alcohol that do not meet the definition of beer under § 57-5-101(b) shall also be alcoholic beverages. Notwithstanding the provisions of this definition, products or beverages containing less than one half of one percent (1/2 of 1%) alcohol by volume, other than wine as defined in this section, shall not be considered to be alcoholic beverages and shall not be subject to regulation or taxation pursuant to chapters 1-6 and 9 of this title.

SECTION 2. Tennessee Code Annotated, Section 57-5-101(a), is amended by deleting the subsection in its entirety and substituting instead the following language:

(a) It is lawful in this state to transport, store, sell, distribute, possess, receive and/or manufacture beer as defined in § 57-5-101(b), subject to the privilege taxes and regulations hereinafter set out and provided, but no brewer or wholesaler of any such beverage or its agent or agents are permitted to make any loan or furnish any fixtures of any kind or have any interest, direct or indirect, in the business of any retailer of such beverages, or in the premises occupied by such retailer.

SECTION 3. Tennessee Code Annotated, Section 57-5-101(b), is amended by deleting the subsection in its entirety and substituting instead the following language:

(b) For purposes of this title, "beer" means beer, ale or other malt beverages, or any other beverages having an alcoholic content of not more than five percent (5%) by weight, except wine as defined in § 57-3-101(20); provided however, no more than forty-nine percent (49%) of the overall alcoholic content of such beverage may be derived from the addition of flavors and other non-beverage ingredients containing alcohol.

SECTION 4. Tennessee Code Annotated, Section 57-6-102(1), is amended by deleting the subsection in its entirety and substituting instead the following language:

(1) "Beer" means the beverage defined in § 57-5-101(b).

SECTION 5. This act shall take effect January 1, 2006, the public welfare requiring it.

PASSED: May 19, 2005


JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES


JOHN S. WILDER
SPEAKER OF THE SENATE

APPROVED this 6th day of June 2005


PHIL BREDESEN, GOVERNOR